

### **THE REMARKS**

#### **First Restriction**

In response to the first restriction requirement, Applicants are electing Group III, Claims 33-40, which are drawn to a method for diagnosing cervical dysplasia, without traverse.

#### **Further Restriction**

In response to the further restriction requirement, Applicants are making the following provisional election with traverse.

Claim 34: p16<sup>INK4a</sup>

Claim 35: Ep-Cam

Claim 39: Ep-Cam

Claim 40: Withdrawn

Applicants respectfully traversed the further restriction within Group III for the following reasons.

1. Claim 33 is a linking claim of all the inventions.

MPEP 809.03 states that where an application includes two or more otherwise properly divisible inventions that are linked by a claim which, if allowable, would prevent restriction. The restriction requirement is subject to the non-allowance of the linking claim. Upon the indication of allowability of the linking claim, the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise requiring all the limitations of the allowable linking claim(s) will be rejoined and fully examined for patentability in accordance with 37 CFR 1.104

Claim 33 is a linking claim that recites one relevant marker characteristic for the presence of cervical dysplasia, and one normalization marker characteristic for the presence of epithelial cells. Claim 34 recites relevant markers. Claims 35, 39, and 40 recites normalization markers. Claim 33 links Claims 34-40.

Therefore, Applicants request that the restriction requirement within Group III be subject to the non-allowance of Claim 33.

2. There should not be a restriction requirement between p16<sup>INK4a</sup> and p14ARF.

MPEP 803.02 states that if the members of the Markush group are sufficiently few in number or so closely related that a search and examination of the entire claim can be made without serious burden, the examiner must examine all the members of the Markush group in the claim on the merits, even though they may be directed to independent and distinct inventions.

Among the relevant markers of Claim 34, p16<sup>INK4a</sup> and p14ARF are encoded by the same gene locus (INK4a/ARF locus); p14 is an alternative reading frame of the p16 gene. (see Sharpless, Mutation Research 576: 22-38 (2005), copy attached herewith.) P16<sup>INK4a</sup> and p14ARF are closely related and they share the same utility as a relevant marker. These relevant markers are sufficiently few in number and they are so closely related that Applicants request the Examiner examine them together.

3. There should not be a restriction requirement among the cyclin dependent kinase inhibitors.

In Claim 34, p16<sup>INK4a</sup>, p19, p21, p27 are all cyclin dependent kinase inhibitors. They share the same utility as a relevant marker, and they function the same as a cyclin dependent kinase inhibitor. These relevant markers are sufficiently few in number and they are so closely related that Applicants request the Examiner examine them together.

4. There should not be a restriction requirement among the cytoskeleton proteins.

In Claims 35, 39 and 40, gamma-Catenin, Ep-Cam, E-Cadherin, alpha-Catenin, beta-Catenin, and Desmoplakin are all structural proteins important for the cytoskeleton. They share the same utility as a normalization marker. These normalization markers are sufficiently few in number and they are so closely related that Applicants request the Examiner examine them together.

### **Corresponding European Patent**

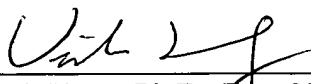
Applicants are submitted herewith Supplemental Information Disclosure Statement in which EP 1388734 is an application that the present application claims priority to. In the grant

EP patent, Claims 29 and 30 correspond to the elected Group III invention of the present application.

Applicants request that the Examiner take into consideration of the European Patent proceeding and withdraw the restriction within the Group III invention.

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Respectfully submitted,

  
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Enclosure: Sharpless, Mutation Research 576: 22-38 (2005)

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